

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRE ANTROBUS,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS,

Defendants.

24-CV-9471 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently detained at the George R. Vierno Center on Rikers Island, proceeds *pro se*. For the following reasons, the Clerk of Court is directed to file this complaint (ECF 1) as an amended complaint in *Antrobus v. New York City*, No. 23-CV-7038 (LTS) (S.D.N.Y.), and terminate this action.

DISCUSSION

In *Antrobus*, No. 23-CV-7038, 1, Plaintiff alleged that, beginning in July 2022, he had been denied razors while detained and was thus unable to prepare himself for religious observance. By order dated October 10, 2023, the Court held that these allegations were insufficient to state a claim on which relief could be granted and Court granted Plaintiff leave to file an amended complaint. (ECF 8.) On January 19, 2024, the Court dismissed the complaint when Plaintiff failed to respond. (ECF 9-10.) After that action was closed, on May 3, 2024, the Court received Plaintiff's letter stating that he had been prejudiced because his mail had been blocked and his papers had been taken. The Court reopened the action under docket number 23-CV-07038(LTS), to allow Plaintiff a further opportunity to amend his complaint.

In this complaint, Plaintiff reasserts the claim that he first raised in *Antrobus*, No. 23-CV-7038, 1. He alleges that, beginning in July 2022, he has been denied razors while detained,

leaving him unable to prepare himself for observance of his religion, which he describes as “Islam.” 24-CV-9471, 1.¹ Because this complaint involves the same subject matter as Plaintiff’s earlier filed action, 23-CV-7038, which has been reopened, the Court directs the Clerk of Court to refile this complaint, 24-CV-9471 (ECF 1), as an amended complaint in the action under docket number 23-CV-7038, and to terminate this case, 24-CV-9471.²

CONCLUSION

The Court directs the Clerk of Court (1) to refile this complaint, 24-CV-9471 (ECF 1), as an amended complaint in the action under docket number 23-CV-7038; and (2) to terminate the case under this docket number, 24-CV-9471.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 17, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ Plaintiff also alleges that, because he was deprived of razors, he was unable to cut his facial hair before trial on December 2, 2024, causing him to be portrayed as a “homeless bum that don’t attend to appearance as normal. . . .” 24-CV-9471 (ECF 1 at 4).

² By separate order in *Antrobus*, No. 23-CV-7038, the Court granted Plaintiff leave to further amend his complaint. This complaint will be the operative amended complaint in *Antrobus*, No. 23-CV-7038, unless Plaintiff chooses to file a second amended complaint, which would replace it as the operative pleading.